

**Comments in Response to Localism Notice of Proposed Rulemaking
MB Docket No. 04-233**

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any new FCC rules, policies or procedures must not violate First Amendment rights. A number of proposals discussed in the NPRM, if enacted, would do so – and must not be adopted.

- (1) The FCC must not force radio stations, especially religious broadcasters, to **take advice from people who do not share their values**, i.e., via "community advisory boards".
- (2) The FCC must not turn every radio station into a public forum where anyone and everyone have rights to air time. Proposed **public access requirements** would do so – even if a religious broadcaster conscientiously objects to the message.
- (3) The FCC must not force **revelation of specific editorial decision-making information**. The choice of programming, especially religious programming, is not properly dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.
- (4) The FCC must not establish a **two-tiered renewal system** in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters.
- (5) The Commission proposes to add **unreasonable operating costs** to niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by **requiring staff presence** whenever a station is on the air and, (b) by further **restricting main studio location choices**. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest.

I urge the FCC not to adopt rules, procedures or policies discussed above.

Cordially,

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